



ENERGY AND ENVIRONMENT CABINET

**DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT
200 FAIR OAKS LANE, 2ND FLOOR
FRANKFORT, KY 40601
TELEPHONE NUMBER (502) 564-6716**

Performance Agreement Form DEP 6053-A (11/08)

GENERAL INFORMATION

1. **ASSISTANCE** – Questions regarding this form may be directed in writing to the Division of Waste Management, Solid Waste Branch at the address listed above, or by calling (502) 564-6716.
2. **SUBMISSION** – Please type or print legibly in permanent ink. Submit the original of the completed form to the Division of Waste Management at the address listed above. The document must be free of errors.

Instructions

This form may be executed as written or may be modified in accordance with 401 KAR 48:310, Section 8 as follows:

The permittee may execute two separate performance bonds—one for closure, and one for closure care and corrective action (if required).

The closure only performance bond shall delete the language “and closure care; and corrective action (if required)” on page 2.

The closure care only performance bond shall delete the words “proper closure and” from the same sentence.

The form may be retyped or these words may be struck through and initialed by the principal and a representative for the Cabinet. All other terms must remain the same. If the principal executes two separate performance bonds for the facility, both performance bonds must be executed prior to issuance of the permit.

Applicant Information

1. Agency Interest #: _____ 2. Permit #: _____ -
3. Applicant Name:
(This refers to the corporation, LLC, business, person, government agency, etc., that owns or operates the facility.)
4. Applicant Mailing Address: _____
5. City: _____ 6. State: _____ 7. Zip Code: _____
8. Contact Person: _____ 9. Title: _____
10. E-Mail Address: _____
11. Phone #: () - 12. Cell #: () - 13. Fax #: () -
14. Type of Financial Assurance:
- ☐ Cash Bond
 - ☐ Surety Bond (#)
 - ☐ Certificate of Deposit (#)
 - ☐ Letter of Credit (#)
 - ☐ Trust Fund (#)
 - ☐ Insurance Policy (#)
 - ☐ Other (#)

Performance Agreement

KNOW ALL PERSONS BY THESE PRESENTS, that the undersigned, _____, as Principal, is held and firmly bound unto the Energy and Environment Cabinet in the penal sum of _____ dollars (\$) which sum is herewith deposited by the submission of the financial assurance mechanism(s) identified above.

The Principal posts this/these financial assurance mechanism(s) by and through its agent(s) as a guarantee that the provisions of the permit issued pursuant to Permit Number _____, all applicable laws, rules, and regulations will be observed and hereby bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is effective upon receipt by the Division of Waste Management (hereinafter Division).

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that, whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 224 and 401 KAR Chapters 47 and 48 did file with the Division, an application for a permit to construct and/or operate a solid waste site or facility in the Commonwealth of Kentucky; that in said application the Principal identified the area to be permitted as _____ acres, located in _____ County, at or near the community of _____; and whereas the above described area will be affected by the facility during the life of the permit and until the Principal has completed proper closure and closure care; and corrective action (if required), and the Cabinet, or, in the case of contained landfills, a professional engineer and the Cabinet, has certified the same.

Furthermore, it is understood that the obligation under this bond extends to environmental degradation occurring off the permitted area but proximately resulting from the construction, operation or closure of the solid waste site or facility.



Now, if said _____, as Principal, shall faithfully perform all the requirements of the above designed application, the permit issued pursuant thereto and the applicable laws, rules, and regulations, and the terms of this bond, then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of a Demand Letter.

Principal:

Signature: _____

Type or print name:

Official Position:

Date: - -

Subscribed and sworn to before me by _____
this the _____ **day of** _____, **20**_____.

Notary Public, State-at-Large _____

My commission expires the _____ **day of** _____, **20**_____.